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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,348	12/06/2000	Girija Narlikar	3-1	3767

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

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DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,348

Applicant(s)

NARLIKAR ET AL.

Examiner

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-21 are pending.

#### *Priority*

No claim to priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the application is December 6, 2000.

#### *Claim Objections*

Claim 12 is objected to because of the following informalities: "P x (1-h)" in line 2 of the claim should read P x (1/h). Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "the traffic load" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

claim 6 is  
OKing  
R. 2/11/04

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5 13, 15, 16, and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gupta (6,212,565).

Gupta shows a system for selecting on of a plurality of proxy servers to serve client resource request in accordance with a proxy table held at the client's location. Gupta shows:

- Receiving a request for web resource (fig. 6, col. 7 lines 57-67)
- Determining if said resource (fig. 3 item 306) is a predefined file type (type of file belonging to a predefined domain in the proxy table, col. 8 line 2-34).
- Redirecting request to proxy server associated with file type (col. 9 lines 21-26).

In referring to claim 3 and 15, Gupta shows the step of accessing a proxy selection table that associated file type (domain type) to the proxy server (col. 8 lines 29-39).

In referring to claim 4, 5, and 16 Gupta shows the step of redirecting request to a given proxy based on recent history of the request patterns (col. 6 lines 26-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Gampper et al. (6,442,601).

Although Gupta shows substantial features of the claimed invention, Gupta does not show file type has an average size that exceeds a threshold. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Gupta as evidenced by Gampper.

In an analogous art Gampper shows a proxy cache system for saving files of predetermined minimum size and greater in to secondary storage in the cache (col. 6 lines 31-59).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Gupta by employing the feature shown by Gampper in order to save larger files to reduce bandwidth of retrieving files from the network (col. 6 lines 60-col. 7 line 9).

Claims 7-11, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of "*Hierarchical placement and network design problems*" by Guha.

In referring to claim 7, 8, 17, 18, and 22, Although Gupta shows substantial features of the claimed invention Gupta does not show selection of proxy server according to traffic volume. Nonetheless this feature is well known and would have been an obvious modification to the system shown by Gupta as evidenced by Guha.

In an analogous art Guha shows a system for hierarchical caching, where the caches are placed in layers and each layer satisfies a fixed percentage of demand. Guha shows:

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Determining if a web resource served by a domain has a traffic volume exceeding a predefined threshold upon determination, assigning request to that associated destination (page 603 section Load Balanced Facility Location).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Gupta to employ the feature mentioned by Guha in order to have minimum guarantee of users on a service (page 604 col. 2 lines 4-8).

In referring to claim 9 and 19, Gupta shows the step of accessing a proxy selection table that associated file type (domain type) to the proxy server (col. 8 lines 29-39).

In referring to claim 10, 11, and 20 Gupta shows the step of redirecting request to a given proxy based on recent history of the request patterns (col. 6 lines 26-40).

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta and Guha in view of Smith (6,341,311).

Although both Gupta and Guha show substantial features of independent claim 1 and 7, including sorting domains in a hierarchical order of average sizes (page 604 col. 1 lines 13-22) they do not show assigning or sorting heavy domains into  $P \times (1/h)$ . The claim essentially shows a formula for increasing the distribution to the number of proxy caches as the number of heavy requests goes up. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Smith.

In an analogous art Smith shows the access requests in a distributed cache. Smith shows the addition of new proxy server in to the network (fig. 11, col. 18 lines 49-53).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Guha and Gupta in order to lower demand on proxy servers by balancing load to new participating proxy servers (see Smith col. 18 lines 54- col. 19 lines 14).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ebata et al (6,513,061).

Cohen et al (6,389,462).

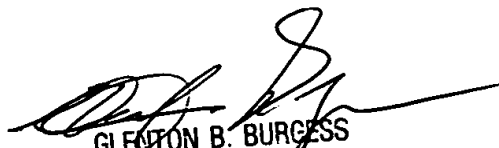
Pistriotto et al. (6,138,162).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC

  
GLENTON B. BURGESS  
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